

RECEIVED  
MAY 03 2006

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ROLF W. WITTICH,

CV<sup>x</sup> 06-2073

(presently pending in  
U.S. District Court)

PRO SE OFFICE

Plaintiff,  
-against-  
PETER WITTICH  
Defendant

BIANCI, J.  
WALL. M.J.  
NOTICE OF REMOVAL

BIANCO, J.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
Ameropan Oil Corporation

INDEX #03-006440

Plaintiff,  
-against-  
Rolf Wittich and Delores Sullivan,  
Defendant

Justice Austin

WALL M.J.

-----X  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

Peter Wittich, Thomas Wittich,  
Melissa Brown and Tina Hickok,  
as Shareholders of Bell Oil Terminal Inc.  
Suing in the Right of Bell Oil Terminal Inc.

Index #03-002708

Justice Austin

Plaintiff,  
-against-  
Rolf Wittich and Bell Oil Terminal Inc.  
Defendants

-----X  
**SIRS:**

PLEASE TAKE NOTICE THAT PURSUANT TO L.R. 81.1 ( a ) notice is hereby given to the New York State Supreme Court , County of Nassau, by filing with the County Clerk of Nassau County, with a courtesy copy to the Honorable Leonard B. Austin, J.S.C. that

1- on MAY 3, 2006, a petition for removal with supporting papers and exhibits was filed with the Clerk of the United States District Court for the Eastern District of New York, and that as a consequence, the above captioned actions, bearing the foregoing captions for

the N.Y. State Supreme Court, County of Nassau  
has been removed to this COURT, U.S. District Court of New York, Eastern District of  
New York, Brooklyn Federal Courthouse, 225 Cadman Plaza East, Brooklyn, N.Y. 11201  
in the matter bearing U.S. District Court Docket Number CV-06-1635 as first above  
captioned on the first page hereof, assigned to U.S. District Judge Bianco and Magistrate  
Judge Wall.

2- PURSUANT TO L.R. 81.1 ( a ), the following information is respectfully provided:

PARTIES: ROLF W. WITTICH PETER WITTICH

STATE OF CITIZENSHIP: NEW YORK FLORIDA

RESIDENCES

AND ADDRESSES: 2 FENIMORE ROAD 2308 SOUTHEAST 21<sup>ST</sup> ST.  
BAYPORT, NY 11705 FORT LAUDERDALE, FLA. 33316

DATE OF SERVICE APRIL 25, 2006

(PURSUANT TO "WAIVER OF SERVICE OF  
SUMMONS" PROCEDURE OF RULE 4

Federal Rules of Civil Procedure)

SOCIAL SECURITY NO.: (

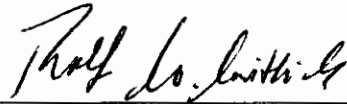
(PRO SE: NO REGISTRATION NO.)

NOTE: By reason of pro se, Electronic Filing cannot be done. Additionally,  
Plaintiff Rolf W. Wittich is more than 70 years of age and suffers from Parkinson's  
Disease.

Note: Filing with the Clerk of the U.S. District Court a copy of all records and  
proceedings in state court shall be made within 20 days of filing of Notice of Removal.

WHEREFORE, your petitioner, Plaintiff Pro Se in the U.S. District Court lawsuit prays that this COURT direct removal of the state court action to this COURT; and for such other and further relief for Plaintiff herein, as this COURT deems just, proper and equitable.

DATED: BAYPORT, NEW YORK  
MAY 3, 2006



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ROLF W. WITTICH  
PRO SE  
Plaintiff in Federal Court lawsuit  
(Defendant in DISCONTINUED  
state court lawsuit, now the subject of  
ORDER TO SHOW CAUSE)  
OFFICE AND P.O. ADDRESS  
2 FENIMORE ROAD  
BAYPORT, NEW YORK 11705  
(631) 472-3698

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
ROLF W. WITTICH,

CASE #CV 06-1635  
BIANCO, J.  
WALL, M.J.(WDW)

Plaintiff,

-against-

PETER WITTICH

Defendant

**PETITION FOR REMOVAL**

-----X  
**PLAINTIFF, ROLF W. WITTICH, self represented plaintiff, hereby petitions for the removal of a certain lawsuit commenced in the N.Y. State Supreme Court, County of Nassau which by a very recent Order To Show Cause embodies the identical issue set forth in the above captioned U.S. District Court complaint, by which defendant and his attorney apparently became aware that a certain purported agreement dated in 2003 which is in fact null and void and unenforceable as a matter of law, and is not in compliance with applicable laws, of the State of Delaware as BELL OIL TERMINAL INC. is a Delaware corporation, and of the State of New York as AMEROPAN OIL CORPORATION is a New York corporation, which is the very subject matter of the declaratory judgment count in my U.S.District Court complaint, involving both of these corporations, the nassau county state supreme court matter naming the said ROLF W. WITTICH as defendant, bearing the double caption:**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
AMEROPAN OIL CORPORATION

INDEX NO.: 03-006440

Plaintiff,

-against-

ROLF WITTICH and DELORES SULLIVAN

Defendants

-----X  
-1- (remainder of caption of this double caption on page 2 hereof

PETER WITTICH , THOMAS WITTICH  
MELISSA BROWN and TINA HICKOK  
As Shareholders of BELL OIL TERMINAL INC.,  
Suing in the Right of BELL OIL TERMINAL INC.

INDEX NO.: 03-002708

Plaintiffs

-against-

ROLF WITTICH and BELL OIL TERMINAL INC.,  
Defendants

-----X

on the following grounds:

1. The lawsuit of ROLF W. WITTICH as Plaintiff, against PETER WITTICH as defendant, was commenced in this COURT, U.S. District Court of New York, Eastern District of New York, Long Island Federal Courthouse, 200 FEDERAL PLAZA, CENTRAL ISLIP, NEW YORK 11722-4449, on April 7, 2006, seeking a DECLARATORY JUDGMENT , amongst other counts as more fully set forth in the complaint a true and complete copy of which is annexed hereto, and is predicated upon violation of Delaware statute, and New York statute governing such matters, and governing precedent mandating the legal conclusion that the purported agreement of 2003 which is the subject of the state court order to show cause is null and void and ineffective, and federal jurisdiction is premised upon DIVERSITY OF CITIZENSHIP.

2. Subsequent to the filing of the above captioned U.S. District Court lawsuit April 7, 2006, the order to show cause in the N.Y. state supreme court action was submitted to a Justice of the supreme court, nassau county state supreme court, and specifies the same issue or issues as are pleaded in the U.S. DISTRICT COURT Summons and Verified Complaint, the principal and decisive issue being governing precedent prohibiting a wresting of corporate control under the facts and circumstances alleged, Delaware law and judicial decisions, all within federal court jurisdiction by reason of the foregoing precedent. There is annexed hereto collectively as Exhibit 1 the CIVIL COVER SHEET, for this U.S. DISTRICT COURT lawsuit on which is stamped the APRIL 7, 2006 date of filing; the "SUMMONS IN A CIVIL CASE" which bears Docket Number CV 06 1635, U.S. DISTRICT COURT VERIFIED COMPLAINT WITH EXHIBITS, and the same

date, the assignment of U.S. DISTRICT JUDGE BIANCO, and Magistrate Judge Wall; and the verified complaint and exhibits thereto; proof of service by admission/waiver form of Peter Wittich's attorney; and the Nassau County order to show cause dated April 19, 2006.

3. Thereafter, this U.S. District Court summons and verified complaint with civil cover sheet was personally served upon PETER WITTICH's attorney at his request which he conveyed to me through the Sheriff of Broward, State of Florida, who had been to Peter Wittich's home several times. The requisite federal form was signed by the attorney, Mr. McGowan and duly filed.

4. The state court action thus becomes removable by reason of naming ROLF WITTICH therein as defendant, order to show cause subsequently commenced, involving the same decisive issue and corporations which is exclusively one of federal court jurisdiction, by reason of diversity and other facts and circumstances set forth in the U.S. District Court complaint pursuant to applicable federal statutes, and should be removed forthwith.

5. Thirty days have not elapsed since the state court order to show cause and became removable through service of process.

6. There has been no prior request for the relief sought herein.

WHEREFORE, your petitioner, Plaintiff Pro Se in the U.S. District Court lawsuit prays that this COURT direct removal of the state court action to this COURT; and for such other and further relief for Plaintiff herein, as this COURT deems just, proper and equitable.

DATED: BAYPORT, NEW YORK  
MAY , 2006

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ROLF W. WITTICH  
PRO SE  
Plaintiff in Federal Court lawsuit  
(Defendant in DISCONTINUED  
state court lawsuit)  
OFFICE AND P.O. ADDRESS  
2 FENIMORE ROAD  
BAYPORT, NEW YORK 11705

(631) 472-3698

-3-



EXHIBITS TO PETITION OF ROLF W. WITTICH.

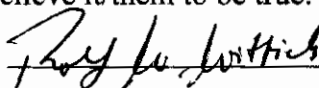
1. CIVIL COVER SHEET for this U.S. DISTRICT COURT lawsuit, together with Summons, Verified Complaint and Exhibits, entered APRIL 7, 2006.
2. Proof of service upon DEFENDANT, by counsel, in this U.S. District Court lawsuit.
3. DEFENDANT PETER WITTICH's ATTORNEY's ORDER TO SHOW CAUSE, subsequently filed in the N.Y. STATE SUPREME COURT, COUNTY OF NASSAU, setting forth the identical issue upon which the federal court lawsuit is premised, namely that the purported 2003 "agreement" is ineffective as mandated by governing precedent under Delaware Law as BELL OIL TERMINAL INC. is a Delaware corporation, and also under N.Y. law as AMEROPAN OIL CORP. is a New York corporation, as both statutes mandate a court ordered approval and/or hearing, both warranting notice, and it is conceded that none of these occurred.

VERIFICATION

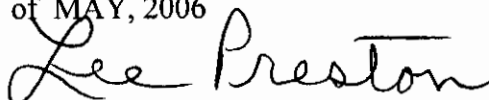
State of New York)  
County of SUFFOLK )ss.:

ROLF W. WITTICH, being duly sworn, deposes and says:

That I am the Plaintiff herein, and I am executing this VERIFICATION, of removal petition. I have read the foregoing removal petition. I state that the foregoing document is true to my own knowledge and upon information and belief based upon records and information in my file on this matter which I verily believe to be true, and as to matters pertaining to legal citations I verily believe it/them to be true.

  
ROLF W. WITTICH

Sworn to before me this 1<sup>st</sup> day  
of MAY, 2006



NOTARY PUBLIC

LEE PRESTON  
Notary Public, State of New York  
No. 4685410  
Qualified in Suffolk County  
Commission Expires July 31, 20 06